

ADEM



ALABAMA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

SOLID WASTE DISPOSAL FACILITY PERMIT

PERMITTEE: Midway Materials, Inc.

FACILITY NAME: Midway Materials, Inc. Frank Maples Road C/D Landfill

FACILITY LOCATION: South East $\frac{1}{4}$ of Section 18, Township 3 South and Range 2 West at 4270 Maples Road in Mobile County, Alabama.

PERMIT NUMBER: 49-33

PERMIT TYPE: Construction and Demolition Landfill

WASTE APPROVED FOR DISPOSAL: The Permittee may accept for disposal nonputrescible and nonhazardous construction and demolition waste and rubbish as defined by Rule 335-13-1-.03. This facility has also been approved to accept discarded tires.

APPROVED WASTE VOLUME: Maximum Average Daily Volume 376 tons/day or 1000 cubic yards/day

APPROVED SERVICE AREA: Mobile County, Alabama

In accordance with and subject to the provisions of the Solid Wastes Recyclable & Materials Management Act, as amended, Code of Alabama 1975, SS 22-27-1 to 22-27-27 ("SWRMMA"), et seq. (the "Act"),, as amended, Code of Alabama 1975, SS 22-22A-1 to 22-22A-15, and rules and regulations adopted thereunder, and subject further to the conditions set forth in this permit, the Permittee is hereby authorized to dispose of the above-described solid wastes at the above-described facility location.

ISSUANCE DATE: April 22, 2009
EFFECTIVE DATE: April 22, 2009
MODIFICATION DATE: ???????, 2009
EXPIRATION DATE: April 21, 2014

Midway Materials Inc.
2150 Old Government St.
Mobile Alabama 36606
Major Modification
Midway Materials, Inc. Frank Maples Road C/D Landfill
Permit No. 49-33

Midway Materials, Inc. has applied for a major permit modification of a landfill known as the Midway Materials, Inc. Frank Maples Road C/D Landfill (Permit No.49-33). The modification involves lowering the previously proposed disposal cell bottom elevations and maintaining the required minimum 5 foot separation above the highest measured groundwater elevation pursuant to ADEM Rule 335-13-4-.11(2)(a). The waste stream for the Midway Materials, Inc. Frank Maples Road C/D Landfill will remain as nonputrescible and nonhazardous construction and demolition waste and rubbish as defined by Rule 335-13-1-.03 and discarded tires. The service area for the Midway Materials, Inc. Frank Maples Road C/D Landfill will remain as Mobile County, Alabama. The maximum average daily volume of waste disposed at the Midway Materials, Inc. Frank Maples Road C/D Landfill will remain as 376 tons/day or 1000 cubic yards/day.

Midway Materials, Inc. Frank Maples Road C/D Landfill is described as being located in the South East $\frac{1}{4}$ of Section 18, Township 3 South, and Range 2 West at 4270 Maples Road in Mobile County, Alabama. The total permitted area for the Midway Materials, Inc. Frank Maples Road C/D Landfill is approximately 93 acres, with a disposal area of 49 acres.

The Solid Waste Branch has determined that the permit application complies with the requirements of ADEM's Administrative Code Division 13 regulations for a construction and demolition waste landfill and established a public comment period from October 7, 2009 to November 11, 2009.

Technical Contact:

Rao Malladi
Solid Waste Branch
Land Division

**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
SOLID WASTE PERMIT**

Permittee: Midway Materials Inc.
2150 Old Government St.
Mobile Alabama 36606

Landfill Name: Midway Materials, Inc. Frank Maples Road C/D Landfill

Landfill Location: South East ¼ of Section 18, Township 3 South and Range 2 West at 4270 Maples Road in Mobile County

Permit Number: 49-33

Landfill Type: Construction & Demolition

Pursuant to the *Solid Wastes Recyclable & Materials Management Act, as amended, Code of Alabama 1975, SS 22-27-1 to 22-27-27 ("SWRMMA"), et seq.* (the "Act"), and attendant regulations promulgated thereunder by the Alabama Department of Environmental Management (ADEM), this permit is issued Midway Materials, Inc. (hereinafter called the Permittee), to operate a solid waste disposal facility, known as the Midway Materials, Inc. Frank Maples Road C/D Landfill.

The Permittee must comply with all terms and conditions of this permit. This permit consists of the conditions set forth herein (including those in any attachments), and the applicable regulations contained in 335-13-1 through 335-13-9 of the ADEM Administrative Code (hereinafter referred to as the "ADEM Admin. Code" or "335-13"). Rules cited are set forth in this document for the purpose of Permittee reference. Any rule that is cited incorrectly in this document does not constitute grounds for noncompliance on the part of the Permittee. Applicable ADEM Admin. Codes are those that are in effect on the date of issuance of this permit or any revisions approved after permit issuance.

This permit is based on the information submitted to ADEM on February 25, 2008, August 7, 2008, August 14, 2008, October 3, 2008 and November 18, 2008, and known as the Permit Application (hereby incorporated by reference and hereinafter referred to as the Application). Any inaccuracies found in this information could lead to the termination or modification of this permit and potential enforcement action. The Permittee must inform ADEM of any deviation from or changes in the information in the Application that would affect the Permittee's ability to comply with the applicable ADEM Admin. Code or permit conditions.

This permit is effective as of **April 22, 2009**, modified on **November ??, 2009**, and shall remain in effect until **April 21, 2014**, unless suspended or revoked.

Alabama Department of Environmental Management

Date Signed

SECTION I. STANDARD CONDITIONS.

- A. Effect of Permit. The Permittee is allowed to dispose of nonhazardous solid waste in accordance with the conditions of this permit and 335-13. Issuance of this permit does not convey property rights of any sort or any exclusive privilege, nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of state or local laws or regulations. Except for actions brought under the Act, compliance with the conditions of this permit shall be deemed to be compliance with applicable requirements in effect as of the date of issuance of this permit and any future revisions.
- B. Permit Actions. This permit may be suspended, revoked or modified for cause. The filing of a request for a permit modification or the notification of planned changes or anticipated noncompliance on the part of the Permittee, and the suspension or revocation does not stay the applicability or enforceability of any permit condition.
- C. Severability. The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.
- D. Definitions. For the purpose of this permit, terms used herein shall have the same meaning as those in 335-13, unless this permit specifically provides otherwise; where terms are not otherwise defined, the meaning associated with such terms shall be as defined by a standard dictionary reference or the generally accepted scientific or industrial meaning of the term.
1. "EPA" for purposes of this permit means the United States Environmental Protection Agency.
 2. "Permit Application" for the purposes of this permit, means all permit application forms, design plans, operational plans, closure plans, technical data, reports, specifications, plats, geological and hydrological reports, and other materials which are submitted to ADEM in pursuit of a solid waste disposal permit.
- E. Duties and Requirements.
1. Duty to Comply. The Permittee must comply with all conditions of this permit except to the extent and for the duration such noncompliance is authorized by a variance granted by ADEM. Any permit noncompliance, other than noncompliance authorized by a variance, constitutes a violation of the Act, and is grounds for enforcement action, permit suspension, revocation, modification, and/or denial of a permit renewal application.
 2. Duty to Reapply. If the Permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the Permittee must apply for and obtain a new permit. The renewal application must be submitted to ADEM at least 180 days before this permit expires.
 3. Permit Expiration. This permit and all conditions therein will remain in effect beyond the permit's expiration date if the Permittee has submitted a timely, complete application as required by Section I.E.2., and, through no fault of the Permittee, ADEM has not made a final decision regarding the renewal application.
 4. Need to Halt or Reduce Activity Not A Defense. It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity to maintain compliance with the conditions of this permit.
 5. Duty to Mitigate. In the event of noncompliance with this permit, the Permittee shall take all reasonable steps to minimize releases to the environment, and shall carry out such measures as are reasonable to prevent significant adverse impacts on human health or the environment.
 6. Proper Operation and Maintenance. The Permittee shall at all times properly operate and maintain all facilities and systems of control (and related appurtenances) that are installed or used by the Permittee to achieve compliance with the conditions of this permit.
 7. Duty to Provide Information. If requested, the Permittee shall furnish to ADEM, within a reasonable time, any information that ADEM may reasonably need to determine whether cause exists for denying, suspending, revoking, or modifying this permit, or to determine compliance with this permit. If requested, the Permittee shall also furnish ADEM with copies of records kept as a requirement of this permit.
 8. Inspection and Entry. Upon presentation of credentials and other documents as may be required by law, the Permittee shall allow the employees of ADEM or their authorized representative to:

- a. Enter at reasonable times the Permittee's premises where the regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit.
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit.
- c. Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit.
- d. Sample or monitor, at reasonable times, any substances or parameters at any location for the purposes of assuring permit compliance or as otherwise authorized by the Acr.

9. Monitoring, Corrective Actions, and Records.

- a. Samples and measurements taken for the purpose of monitoring or corrective action shall be representative of the monitored activity. The methods used to obtain representative samples to be analyzed must be the appropriate method from 335-13-4 or the methods as specified in the Application attached hereto and incorporated by reference. Laboratory methods must be those specified in Standard Methods for the Examination of Water and Wastewater (American Public Health Association, latest edition), Methods for Chemical Analysis of Water and Wastes (EPA-600/4-79-020), Test Methods for Evaluating Solid Waste, Physical/Chemical Methods (EPA Publication SW-846, latest edition), other appropriate EPA methods, or as specified in the Application. All field tests must be conducted using approved EPA test kits and procedures.
- b. The Permittee shall retain records, at the location specified in Section I.I., of all monitoring, or corrective action information, including all calibration and maintenance records, copies of all reports and records required by this permit, and records of all data used to complete the application for this permit for a period of at least three years from the date of the sample, measurement, report or record or for periods elsewhere specified in this permit. These periods may be extended by the request of ADEM at any time and are automatically extended during the course of any unresolved enforcement action regarding this facility.
- c. Records of monitoring and corrective action information shall include.
 - i. The exact place, date, and time of sampling or measurement.
 - ii. The individual(s) and company who performed the sampling or measurements.
 - iii. The date(s) analyses were performed.
 - iv. The individual(s) and company who performed the analyses.
 - v. The analytical techniques or methods used.
 - vi. The results of such analyses.
- d. The Permittee shall submit all monitoring and corrective action results at the interval specified elsewhere in this permit.

10. Reporting Planned Changes. The Permittee shall notify ADEM, in the form of a request for permit modification, at least 90 days prior to any change in the permitted service area, increase in the waste received, or change in the design or operating procedure as described in this permit, including any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

11. Transfer of Permit. This permit may be transferred to a new owner or operator. All requests for transfer of permits shall be in writing and shall be submitted on forms provided by ADEM. Before transferring ownership or operation of the facility during its operating life, the Permittee shall notify the new owner or operator in writing of the requirements of this permit.

12. Certification of Construction. The Permittee may not commence disposal of waste in any new cell or phase until the Permittee has submitted to ADEM, by certified mail or hand delivery, a letter signed by both the Permittee and a professional engineer stating that the facility has been constructed in compliance with the permit. ADEM must inspect the constructed cells or phases before the owner or operator can commence waste disposal unless the Permittee is notified that ADEM will waive the inspection..

13. Compliance Schedules. Reports of compliance or noncompliance with or any progress reports on interim and final requirements contained in any compliance schedule required and approved by ADEM shall be submitted no later than 14 days following each schedule date.
 14. Other Noncompliance. The Permittee shall report all instances of noncompliance with the permit at the time monitoring reports are submitted.
 15. Other Information. If the Permittee becomes aware that information required by the Application was not submitted or was incorrect in the Application or in any report to ADEM, the Permittee shall promptly submit such facts or information. In addition, upon request, the Permittee shall furnish to ADEM, within a reasonable time, information related to compliance with the permit.
- F. Design and Operation of Facility. The Permittee shall maintain and operate the facility to minimize the possibility of a fire, explosion, or any unplanned sudden or nonsudden release of contaminants (including leachate and explosive gases) to air, soil, groundwater, or surface water, which could threaten human health or the environment.
- G. Inspection Requirements.
1. The Permittee shall comply with all requirements of 335-13.
 2. The Permittee shall conduct random inspections of incoming loads.
 3. Records of all inspections shall be included in the operating record.
- H. Recordkeeping and Reporting.
1. The Permittee shall maintain a written operating record at the location specified in Section I.I. The operating record shall include:
 - a. Documentation of inspections and maintenance activities.
 - b. Daily Volume reports.
 - c. Personnel training documents and records.
 - d. Groundwater monitoring records if required.
 - e. Explosive gas monitoring records if required.
 - f. Copies of this Permit and the Application.
 - g. Copies of all variances granted by ADEM, including copies of all approvals of special operating conditions.
 2. Quarterly Volume Report. Beginning with the effective date of this permit, the Permittee shall submit, within thirty (30) days after the end of each calendar quarter, a report summarizing the daily waste receipts for the previous (just ended) quarter. Copies of the quarterly reports shall be maintained in the operating record.
 3. Monitoring and Corrective Action Reports. The Permittee shall submit reports on all monitoring and corrective activities conducted pursuant to the requirements of this permit, including, but not limited to, groundwater, surface water, explosive gas and leachate monitoring. Groundwater monitoring is not required at this time, however, the local approval document granted by Mobile County Commission (local governing body) requires the Midway Materials, Inc. to install a comprehensive groundwater monitoring system at Midway Materials, Inc. Landfill. Should a groundwater monitoring system be installed at the landfill as per Mobile County Commission directive, the permittee must submit all pertaining information to the ADEM and a copy of all installation and testing information must be placed in the Operating record. Likewise, explosive gas monitoring must be conducted and reports submitted as directed by ADEM. Copies explosive gas monitoring reports shall also be maintained in the operating record.
 4. Availability, Retention, and Disposition of Records.
 - a. All records, including plans, required under this permit or Division 13 must be furnished upon request, and made available at reasonable times for inspection by any officer, employee, or representative of ADEM.

- b. All records, including plans, required under this permit or Division 13 shall be retained by the Permittee for a period of at least three years. The retention period for all records is extended automatically during the course of any unresolved enforcement action regarding the facility, or as requested by ADEM.
 - c. A copy of records of waste disposal locations and quantities must be submitted to ADEM and local land authority upon closure of the facility.
- I. Documents to be Maintained by the Permittee. The Permittee shall maintain, at the landfill Midway Materials, Inc. Frank Maples Road C/D Landfill the following documents and amendments, revisions and modifications to these documents until an engineer certifies closure.
 - 1. Operating record.
 - 2. Closure Plan.
- J. Mailing Location. All reports, notifications, or other submissions which are required by this permit should be sent via signed mail (i.e. certified mail, express mail delivery service, etc.) or hand delivered to:
 - 1. Mailing Address.
Chief, Solid Waste Branch, Land Division
Alabama Department of Environmental Management
P.O. Box 301463
Montgomery, AL 36130-1463
 - 2. Physical Address.
Chief, Solid Waste Branch, Land Division
Alabama Department of Environmental Management
1400 Coliseum Blvd.
Montgomery, Alabama 36110-2059
- K. Signatory Requirement. All applications, reports or information required by this permit, or otherwise submitted to ADEM, shall be signed and certified by the owner as follows:
 - 1. If an individual, by the applicant.
 - 2. If a city, county, or other municipality or governmental entity, by the ranking elected official, or by a duly authorized representative of that person.
 - 3. If a corporation, organization, or other legal entity, by a principal executive officer, of at least the level of Vice President, or by a duly authorized representative of that person.
- L. Confidential Information. The Permittee may claim information submitted as confidential if the information is protected under Code of Alabama 1975, §§22-39-18, as amended.
- M. State Laws and Regulations. Nothing in this permit shall be construed to preclude the initiation of any legal action or to relieve the Permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation.

SECTION II. GENERAL OPERATING CONDITIONS.

- A. Operation of Facility. The Permittee shall operate and maintain the disposal facility consistent with the Application, this permit, and 335-13.
- B. Open Burning. The Permittee shall not allow open burning without prior written approval from ADEM and other appropriate agencies. A burn request should be submitted in writing to ADEM outlining why that burn request should be granted. This request should include, but not be limited to, specifically what areas will be utilized, types of waste to be burned, the projected starting and completion dates for the project, and the projected days and hours of operation. The approval, if granted, shall be included in the operating record.
- C. Prevention of Unauthorized Disposal. The Permittee shall follow the approved procedures for the detecting and preventing the disposal of free liquids, regulated hazardous waste, PCB's, and medical waste at the facility.

- D. Unauthorized Discharge. The Permittee shall operate the disposal facility in such a manner that there will be no water pollution or unauthorized discharge. Any discharge from the disposal facility or practice thereof may require a National Pollutant Discharge Elimination System permit under the Alabama Water Pollution Control Act.
- E. Industrial Waste Disposal. The Permittee shall not dispose of industrial process waste at this landfill. Only those wastes shown in Section III.B. are allowed for disposal in this landfill.
- F. Boundary Markers. The Permittee shall ensure that the facility is identified with a sufficient number of permanent boundary markers that are at least visible from one marker to the next.

SECTION III. SPECIFIC REQUIREMENTS FOR C/D LANDFILLS.

A. Waste Identification and Management.

1. Subject to the terms of this permit, the Permittee may accept for disposal the nonhazardous solid wastes listed in III.B. Disposal of any other wastes is prohibited, except waste granted a temporary or one time waiver by the Director.
2. The total permitted area for the Midway Materials, Inc. Frank Maples Road C/D Landfill is approximately 93 acres, with a disposal area of 49 acres.
3. The maximum average daily volume of waste disposed at the facility, as contained in the permit application and approved by the Mobile County Commission, shall not exceed 376 tons/day or 1000 cubic yards/day. Should the average daily volume exceed this value by 20% or 100 tons/day, whichever is less, for two (2) consecutive quarters the permittee shall be required to modify the permit in accordance with 335-13-5-.06(2)(a)5. An increase in maximum average daily volume shall not be approved by ADEM unless the permittee has received local approval for the increased maximum average daily volume. The average daily volume shall be computed as specified by 335-13-5-.06(2)(a)5.(i).

B. Waste Streams. The Permittee may accept for disposal nonputrescible and nonhazardous construction and demolition waste and rubbish as defined by Rule 335-13-1-.03.

This facility has also been approved to accept discarded tires.

C. Service Area. The service area for this landfill, as contained in the permit application and approved by the Mobile County Commission is Mobile County in Alabama.

D. Waste Placement, Compaction, and Cover. All waste shall be confined to an area as small as possible and placed onto an appropriate slope not to exceed 4 to 1 (25%) or as approved by ADEM. All waste shall be spread in layers two feet or less in thickness and thoroughly compacted weekly with adequate landfill equipment prior to placing additional layers of waste or placing the weekly cover. A minimum of six inches of compacted earth or other alternative cover material approved by ADEM shall be added at the conclusion of each week's operation unless a variance is granted in Section VIII.

The bottom elevations of a disposal cell should be at least 5 feet above groundwater.

The Permittee may not commence disposal of waste in any new cell or phase until the Permittee has submitted to ADEM, by certified mail or hand delivery, a letter signed by both the Permittee and a professional engineer stating that the facility has been constructed in compliance with the permit. ADEM must inspect the constructed cells or phases before the owner or operator can commence waste disposal unless the Permittee is notified that ADEM will waive the inspection.

- E. Security. The Permittee shall provide artificial and/or natural barriers, which prevent entry of unauthorized vehicular traffic to the facility.
- F. All Weather Access Roads. The Permittee shall provide an all-weather access road to the dumping face that is wide enough to allow passage of collection vehicles.
- G. Adverse Weather Disposal. The Permittee shall provide for disposal activities in adverse weather conditions.
- H. Personnel. The Permittee shall maintain adequate personnel to ensure continued and smooth operation of the facility.

- I. Environmental Monitoring and Treatment Structures. The Permittee shall provide protection and proper maintenance of environmental monitoring and treatment structures.
- J. Vector Control. The Permittee shall provide for vector control as required by 335-13.
- K. Bulk or Noncontainerized Liquid Waste. The Permittee shall not dispose of bulk or noncontainerized liquid waste, or containers capable of holding liquids, unless the conditions of 335-13-4-.23(1)(j) are met.
- L. Empty Containers. Empty containers larger than 10 gallons in size must be rendered unsuitable for holding liquids prior to disposal in the landfill unless otherwise approved by ADEM.
- M. Other Requirements. ADEM may enhance or reduce any requirements for operating and maintaining the landfill as deemed necessary by the Land Division.
- N. Other Permits. The Permittee shall operate the landfill according to this and any other applicable permits.
- O. Scavenging and Salvaging Operations. The Permittee shall prevent scavenging and salvaging operations, except as part of a controlled recycling effort. Any recycling operation must be in accordance with plans submitted and approved by ADEM.
- P. Signs. If the landfill is available to the public or commercial haulers, the Permittee shall provide a sign outlining instructions for use of the site. The sign shall be posted and have the information required by 335-13-4-.23(1)(f).
- Q. Litter Control. The Permittee shall control litter.
- R. Fire Control. The Permittee shall provide fire control measures.

SECTION IV. GROUNDWATER MONITORING REQUIREMENTS.

ADEM Division 13 Regulations do not require groundwater monitoring at this landfill provided that the waste stream is in accordance with Section III.B. Should any waste be disposed other than the waste streams indicated in Section III.B., ADEM may require that groundwater-monitoring wells be installed.

However, the local approval document granted by Mobile County Commission (local governing body) requires the Midway Materials, Inc. to install a comprehensive groundwater monitoring system at Midway Materials, Inc. Landfill. Should a groundwater monitoring system be installed at the landfill as per Mobile County Commission directive, the permittee must submit all pertaining information to the ADEM and a copy of all installation and testing information must be placed in the Operating Record.

SECTION V. GAS MONITORING REQUIREMENTS.

- A. The permittee shall design, construct, and operate the facility so as to control and monitor the generation and emission of explosive gases (such as methane), and so as to prevent said gases from collecting in, or around structures at concentrations exceeding the limits imposed by this permit.
- B. Systems and Equipment. The Permittee shall provide, install, and maintain gas monitoring and/or recovery systems and equipment.
- C. Concentration Limits. The Permittee shall prevent explosive gases from exceeding:
 - 1. The lower explosive limit at the facility boundary.
 - 2. Twenty-five percent (25%) of the lower explosive limit in any facility structure other than those that are components of the gas control and/or recovery system.
- D. Gas Monitoring Program.
 - 1. The Permittee shall monitor explosive gases at the facility. The gas monitoring program shall monitor explosive gas concentrations in the atmosphere, in the soil, and inside all structures at the facility, including but not limited to buildings, under bridges, and any other location which is conducive to gas accumulation. Gas monitoring data shall be included in the operating record and be made available to ADEM during inspections and at other times upon request.

2. The Permittee shall conduct the gas monitoring at least once in each calendar year. The Permittee shall submit a report to ADEM within thirty (30) days after each monitoring event documenting the levels of explosive gases measured at the facility.
3. In the event that explosive gas levels exceed, at any time, the limits specified in this permit, the Permittee shall:
 - a. Immediately take all necessary steps to ensure immediate protection of human health and property.
 - b. Immediately notify ADEM of the explosive gas levels detected and the immediate steps taken to protect human health and property.
 - c. Within twenty (20) days, submit to ADEM for approval a remedial plan for the explosive gas releases. This plan shall describe the nature and extent of the problem and the proposed remedy. The plan shall be implemented upon approval by ADEM, but within sixty (60) days of detection. Within the sixty (60) days the plan shall be placed in the operating record of the facility and ADEM notified that the plan has been implemented.
4. Monitoring points for the measurement of explosive gas concentrations in the soil and/or atmosphere shall be located along the landfill boundaries and shall be spaced no more than 300 feet apart. In areas where the landfill boundary is within 1000 feet of a structure, the monitoring points shall be not more than 100 feet apart.

SECTION VI. SURFACE WATER MANAGEMENT.

The Permittee shall construct and maintain run-on and run-off control structures to control the discharge of pollutants in stormwater. Any discharges from drainage control structures shall be permitted through a discharge permit issued by the ADEM Water Division.

SECTION VII. CLOSURE AND POST-CLOSURE REQUIREMENTS.

The Permittee shall close the landfill and perform post-closure care of the landfill in accordance with 335-13.

- A. Final Cover. The Permittee shall grade final soil cover such that surface water does not pond over the permitted area as specified in the Application. The final cover system shall comply with 335-13.
- B. Vegetative Cover. The Permittee shall establish a vegetative or other appropriate cover within 90 days after completion of final grading requirements in the Application. Preparation of a vegetative cover shall include, but not be limited to, the placement of seed, fertilizer, mulch, and water.
- C. Notice of Intent. The Permittee shall place in the operating record and notify ADEM of their intent to close the landfill prior to beginning closure.
- D. Completion of Closure Activities. The Permittee must complete closure activities of each landfill unit in accordance with the Closure Plan within 180 days of the last known receipt of waste.
- E. Certification of Closure. Following closure of each unit, the Permittee must submit to ADEM a certification, signed by an engineer, verifying the closure has been completed according to the Closure Plan.
- F. Post-Closure Care Period. Post-closure care activities shall be conducted after closure of each unit throughout the life of this permit and continuing for a period of thirty (30) years following closure of the facility. ADEM may shorten or extend the post-closure care period applicable to the solid waste disposal facility. The Permittee shall reapply in order to fulfill the post-closure care requirements of this permit.
- G. Post-Closure Maintenance. The Permittee shall provide post closure maintenance of the facility to include regularly scheduled inspections. This shall include maintenance of the cover, vegetation, monitoring devices and pollution control equipment and correction of other deficiencies that may be observed by ADEM. Monitoring requirements shall continue throughout the post closure period as determined by ADEM unless all waste is removed and no unpermitted discharge to waters of the State have occurred.

- H. Post-Closure Use of Property. The Permittee shall ensure that post closure use of the property never be allowed to disturb the integrity of the final cover, liner, or any other component of the containment system. This shall preclude the growing of deep-rooted vegetation on the closed area.
- I. Certification of Post-Closure. Following post-closure of each unit, the Permittee must submit to ADEM a certification, signed by an engineer, verifying the post-closure has been completed according to the Post-Closure Plan.
- J. Notice in Deed to Property. The Permittee shall record a notation onto the land deed containing the property utilized for disposal within 90 days after permit expiration, revocation or when closure requirements are achieved as determined by ADEM as stated in the Application. This notation shall state that the land has been used as a solid waste disposal facility, the name of the Permittee, type of disposal activity, location of the disposal facility and beginning and closure dates of the disposal activity.
- K. Recording Instrument. The Permittee shall submit a certified copy of the recording instrument to ADEM within 120 days after permit expiration, revocation, or as directed by ADEM as described in the Application.
- L. Removal of Waste. If the Permittee, or any other person(s), wishes to remove waste, waste residues, or any liner or contaminated soils, the owner must request and receive prior approval from ADEM.

SECTION VIII. VARIANCES.

A variance is granted to final cover gradient from stipulated minimum requirement of 5% gradient. Midway Materials Inc. can construct the final cover with a minimum 2% gradient. However, during the post-closure period if ponding on top of the final cover is observed the permittee should correct ponded areas to prevent infiltration.

Any variance granted by ADEM may be terminated by ADEM whenever ADEM finds, after notice and opportunity for hearing, that the petitioner is in violation of any requirement, condition, schedule, limitation or any other provision of the variance, or that operation under the variance does not meet the minimum requirements established by state and federal laws and regulations or is unreasonably threatening the public health.